

HUSSEIN JAMA, a seaman)	AT LAW AND IN ADMIRALTY
)	
Plaintiff,)	CASE NO.
)	
v.)	
)	
NORTH STAR FISHING COMPANY)	SEAMAN'S COMPLAINT <u>IN</u>
aka/and IQUIQUE U.S. LLC, a)	<u>REM</u> AND <u>IN PERSONAM</u>
Washington Limited Liability Company;)	FOR PERSONAL INJURY
CAPE HORN VESSEL, LLC., a)	
Washington Limited Liability Company;)	
and The F/T CAPE HORN, Official)	
No. 653806, a vessel, her engines,)	
equipment, tackle and appurtenances,)	
<i>In Rem</i> ,)	
)	
Defendants.)	
)	

1.1 This is a claim for relief brought by plaintiff, Hussein Jama, a seaman, against the owner and/or operator of a vessel for personal injuries sustained aboard said vessel. Jurisdiction is vested in the Court by virtue of general maritime law, 28

U.S.C. 1333; the Jones Act, 46 U.S.C. § 688 et seq., and common law negligence.

II. PARTIES

2.1 At all times material hereto, plaintiff was a seaman and employed by defendants above named, as a member of the crew of the F/T CAPE HORN, Official No. 653806, a vessel in navigation in the navigable waters of the United States.

2.2 At all times material hereto defendants, North Star Fishing Company, LLC aka/and Iquique U.S. LLC, Cape Horn Vessel, LLC were the owners/operators of the F/T CAPE HORN and the employer of plaintiff herein.

2.3 At all times material hereto defendants, North Star Fishing LLC., Iquique U.S. LLC., and Cape Horn Vessel, LLC, were Washington limited liability companies doing business in the State of Washington.

2.4 At all times plaintiff was a resident of the State of Washington.

III. CLAIM FOR RELIEF

3.1 Plaintiff restates paragraphs 1.1 – 2.4.

3.2 On or about September 16, 2015, while working as a deckhand/processor aboard the F/T CAPE HORN, in navigable waters, plaintiff suffered severe injuries to his right hand and other areas of his body due to the negligence of the defendants and each of them and the unseaworthiness of the F/T CAPE HORN. Plaintiff's injuries were sustained while working near the freezer area when the vessel foreman and/or other crewmembers turned on certain equipment without notice to plaintiff causing loaded fish pans to contact and pinch plaintiff's right hand resulting in injury to plaintiff's hand. Plaintiff reported the incident and was seen on September 21, 2015 in Unalaska, Alaska for treatment of his injuries.

JONES ACT CLAIMS

3.3 Defendants were negligent, as were the officers, agents and employees acting on their behalf by reason of including but not limited to: failure to provide an adequate and safe place to work; failure to adopt a safe method of work; failure to provide and maintain reasonably safe equipment and appliances; failure to warn or alert crewmembers that a machine was to be turned on; failure to provide sufficient warnings of known hazard; failure to correct known dangerous conditions; failure to provide adequate protective gear for the constant bending, twisting and turning; failure to provide a reasonable work schedule, failure to train its crew and failure to properly operate equipment.

3.4 Defendant, and all persons acting on its behalf, failed to provide plaintiff with a safe place to work, in that the work place of plaintiff was unsafe by reason of including but not limited to, all of the above. Further, at the time and place of his accident, plaintiff was entirely within the scope of his employment and did not contribute to any negligent act or to the cause of his injuries.

UNSEAWORTHINESS

3.5 For additional cause of action against defendants, plaintiff alleges defendants' vessel was unseaworthy at the time and place of plaintiff's injuries and was not reasonably fit for seaman.

3.6 The unseaworthiness of the vessel included but is not limited to: failure to provide an adequate and safe place to work; failure to adopt a safe method of work; failure to provide and maintain reasonably safe equipment and appliances; failure to provide sufficient warnings of known hazard; failure to correct known

1 dangerous conditions; failure to provide a reasonable work schedule and failure to
2 provide necessary medical assistance.

3
4 3.7 Defendants were in violation of minimum standards established by
5 applicable codes and regulations with respect to providing a safe place to work, and
6 this was a cause of plaintiff's injuries. A combination of these items, and each of
7 them, rendered the F/T CAPE HORN, unseaworthy at the time and place of plaintiff's
8 injuries.
9

10 3.8 Plaintiff does further allege that at the time and place of his injuries
11 plaintiff was not contributorily negligent and did not cause or contribute to the cause
12 of his injuries nor did he assume any of the risk of his injuries.
13

14 3.9 As a result of the injuries sustained by plaintiff, plaintiff has suffered
15 substantial and debilitating personal injury, wage loss, permanent impairment of
16 wage earning ability, future pain and suffering, mental anguish, disfigurement and
17 loss of enjoyment of life. Plaintiff sues herein as further claimed in plaintiff's prayer
18 below for recovery for all such personal injuries, wage loss, reduced income-earning
19 capacity, including prejudgment interest on any award entered in this proceeding.
20
21

22 **IV. MAINTENANCE CURE UNEARNED WAGES AND FOUND**

23
24 4.1 Plaintiff restates paragraphs 1.1 – 3.9.

25 4.2 As a seaman injured in the course and scope of his employment
26 aboard the F/T CAPE HORN, plaintiff is entitled to maintenance, cure, unearned
27 wages and found.
28

29 **V. PRAYER**

30 Plaintiff prays for the following relief:

